

Assembly Bill No. 3055

CHAPTER 453

An act to add Section 4826.2 to the Business and Professions Code, and to amend Sections 1055.6, 1057, 3050, and 3508 of, and to repeal Sections 3509 and 3510 of, the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

[Approved by Governor September 10, 2002. Filed
with Secretary of State September 10, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3055, Committee on Water, Parks and Wildlife. Fish and game.

(1) Under existing law, it is unlawful to import, transport, possess, or release alive into this state, except under a revocable, nontransferable permit, any wild animal of certain enumerated species.

This bill would authorize a veterinarian, a registered veterinary technician, or an unregistered assistant working under the supervision of a veterinarian, to provide veterinary care and treatment for any animal enumerated in the provisions summarized above for the period of time that veterinary care and treatment are necessary.

(2) Existing law provides that the Department of Fish and Game may authorize any person, with specified exceptions, to be a license agent to issue any license, permit, reservation, tag, or other entitlement upon the department's approval of the application. Existing law requires the license agent to retain those funds in a separate bank account, separate from the license agent's other funds.

This bill would delete the requirement that the fees be kept in a separate bank account and would instead require the license agent to account for those fees separately from other funds belonging to the license agent.

(3) Under existing law, no hunting license may be issued to a person unless he or she presents to the person authorized to issue the license evidence of a current or prior license or completion of a hunter safety course. Evidence of a current hunting license issued by another state or province is acceptable for issuance of a hunting license.

This bill would permit issuing a hunting license upon evidence that the applicant either holds a current hunting license, or a hunting license issued in either of the 2 previous hunting years by another state or province.

(4) Existing law generally provides that no person may break, train, hold field trials with, or practice dogs on any wild game bird or

domesticated game bird during the closed season for the particular bird, with certain exceptions.

This bill would delete those exceptions and instead provide that no person may take those actions, except as authorized by the Fish and Game Commission. To the extent that the bill would expand the scope of an existing crime, the bill would impose a state-mandated local program.

(5) Existing law continuously appropriates money in the Fish and Game Fund to the department and the commission to carry out the Fish and Game Code.

By imposing new duties on the department, the bill would make an appropriation.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 4826.2 is added to the Business and Professions Code, to read:

4826.2. Notwithstanding any other provision of law, a veterinarian, registered veterinary technician, or an unregistered assistant working under the supervision of a veterinarian, may provide veterinary care and treatment for any animal restricted pursuant to Section 2118 of the Fish and Game Code. A veterinarian, registered veterinary technician, or an unregistered assistant working under the supervision of a veterinarian, may lawfully possess one or more of the animals only for the period of time that, in his or her judgment, veterinary care and treatment are necessary. No veterinarian, registered veterinary technician, or unregistered assistant working under the supervision of a veterinarian, has a duty to advise law enforcement if he or she becomes aware that one or more of the animals is possessed in the state. For the purposes of this section, “veterinary care and treatment” does not include boarding when no veterinary care or treatment is required.

SEC. 2. Section 1055.6 of the Fish and Game Code is amended to read:

1055.6. (a) Except as provided in subdivision (b), each license agent authorized pursuant to Section 1055.1 shall remit to the department the fees prescribed in this code or in regulations adopted



pursuant to this code for all licenses, permits, reservations, tags, and other entitlements by electronic means, such as electronic fund transfer. In order to facilitate the prompt remittance of revenues, the department is authorized to withdraw funds from the bank account of the license agent, including adjustments, by electronic transfer. License agents shall ensure that the total fees required for all licenses, permits, reservations, tags, or other entitlements necessary to perform the electronic transfer are available on the date specified by the license agent contract.

(b) A license agent shall report to the department on or before the end of the next business day of the department any losses of fees received from the issuing of licenses, permits, reservations, tags, or other entitlements.

(c) The license agent may retain not more than fifteen cents (\$0.15) of the fee received for each Colorado River special use validation issued pursuant to Section 7180.1 as compensation for services. The license agent shall remit to the department the fees prescribed by Section 7180.1, less any amounts retained under this subdivision, for all Colorado River special use validations issued. The license agent shall remit the net fees as prescribed in subdivision (a).

(d) Except as provided in subdivision (b), any fees not transmitted or made available to the department within seven days following the due date as specified by the department are delinquent, and delinquent fees are subject to interest and penalties prescribed in subdivision (b) of Section 1059. Interest and penalties shall be computed beginning one day following the due date as specified by the department.

(e) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 3. Section 1057 of the Fish and Game Code is amended to read:

1057. All license, tag, permit, reservation, and other entitlement money shall be accounted for separately from other funds of a license agent, and shall at all times belong to the state.

SEC. 4. Section 3050 of the Fish and Game Code is amended to read:

3050. (a) No hunting license may be issued to any person unless he or she presents to the person authorized to issue that license any of the following:

(1) Evidence that he or she has held a hunting license issued by this state in a prior year.

(2) Evidence that he or she holds a current hunting license, or a hunting license issued in either of the two previous hunting years by another state or province.



(3) A certificate of completion of a course in hunter safety, principles of conservation, and sportsmanship, as provided in this article, with a hunter safety instruction validation stamp affixed thereto.

(4) A certificate of successful completion of a hunter safety course in another state or province.

(5) Evidence of completion of a course in hunter safety, principles of conservation, and sportsmanship, which the commission may, by regulation, require.

(b) The evidence required in subdivision (a) shall be forwarded to the department with the license agent's report of hunting license sales as required pursuant to Section 1055.5.

(c) Subdivision (a) does not apply to any person purchasing a hunting license under paragraph (5) of subdivision (a) of Section 3031. However, that license may not qualify as evidence required in subdivision (a) of this section.

SEC. 5. Section 3508 of the Fish and Game Code is amended to read:

3508. It is unlawful to break, train, hold field trials with, or practice dogs on any wild game bird or domesticated game bird during the closed season on such bird except as authorized by the commission.

SEC. 6. Section 3509 of the Fish and Game Code is repealed.

SEC. 7. Section 3510 of the Fish and Game Code is repealed.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

